

REMARKS

The claims pending in the subject application are 1-14. In this office action, it was stated in paragraph 2 that election was made without traverse. In the Response to the Restriction Requirement that was submitted on February 7, 2006, the response was with traverse subject to the rejoinder provisions of MPEP 821.04.

OBVIOUSNESS TYPE DOUBLE PATENTING REJECTIONS

Claims 1, 2, 4, 7-9, and 11-13 were provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-12 of co-pending Application No. 10/803,586. When applicants receive a notice that the claims in this application are allowable except for this rejection, applicants will submit a Terminal Disclaimer to moot this rejection.

35 U.S.C. § 103 REJECTIONS

Claims 1, 2, 4, 7-9, and 11-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Application Publication No. 2003/0045447 to Heibel et al. in view of United States Patent Application Publication No. 2005/0240670 to Caswell et al.

The claims are directed to a starch granule that has an oil and an organic compound for inhibiting the migration of the oil to the surface of the granule. The oil and the organic compound are absorbed into the granule. The organic compound inhibits the migration of the oil to the surface. By inhibiting the migration, the oil will be available for a longer period of time. This gives a longer presence of the oil on a substrate onto which the granule is placed. This is a different solution to the issue of providing an oil to a substrate for a longer period of time.

A granule of starch is a solid particle with pores. Neither Heibel '447 nor Caswell '670 disclose granules of starch. The structure in Heibel '447 is a different structure. The structure is a microcapsule that encapsulates material. The material is released when the microcapsule is ruptured. (Abstract) While the microcapsule can be made from polymers, such as polymeric starches, the structure is a microcapsule for encapsulating material. The microcapsule acts as a shell to hold the material until it is

released rather than releasing material by de-absorption. There is no disclosure or suggestion in Heibel '447 or Caswell '670 of providing a starch granule with the oil and the compound for inhibiting the migration of the oil to the surface of the granule. Therefore, it is respectfully submitted that claims 1, 2, 4, 7-9, and 11-13 are patentable over United States Patent Application Publication No. 2003/0045447 to Heibel et al. in view of United States Patent Application Publication No. 2005/0240670 to Caswell et al.

In view of the remarks contained above, Applicants respectfully request reconsideration of the application, withdrawal of the 35 U.S.C. § 103 rejections, request that all claims be rejoined under MPEP 821.04, and request that a Formal Notice of Allowance be issued for claims 1-14. Should the Examiner have any questions about the above remarks, the undersigned attorney would welcome a telephone call.

Respectfully submitted,  
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